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Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 17 April 2003 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraphs 6 and 12 of Security Council resolution 1455 (2003), I attach a report from Her Majesty's Government on the steps taken to implement and enforce the mandatory measures contained in the above-mentioned resolution (see annex).

Please do not hesitate to contact me if you require any further information on any aspect of United Kingdom implementation and enforcement of resolution 1455 (2003).

(*Signed*) Jeremy **Greenstock**

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Annex to the letter dated 17 April 2003 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Report of the United Kingdom pursuant to paragraphs 6 and 12 of resolution 1455 (2003)

Section I
Introduction

1. The UK is not aware of any direct activity by Usama Bin Laden or the Taliban within the UK. The UK is aware of the activities of Al-Qa'ida within its borders, and takes action where appropriate. The UK recently prosecuted two individuals for offences related to financing terrorism. The UK is giving consideration to submitting a request to the Committee to add their names to the Consolidated List, providing a sound link to the Al-Qa'ida organisation can be stated.

Section II
Consolidated list

2. Please see the relevant sections below for details of how the 1267 Committee's List been incorporated within the UK's legal system and administrative structure. The United Nations Department of the Foreign and Commonwealth Office ensures that amendments to the list are transmitted to government departments and posts overseas.

3. The UK has not encountered any problems with implementation with regard to the names and identifying information as currently included in the List.

4. The UK has taken appropriate action against designated individuals and entities identified within the UK. Abu Hamza al-Masri has been made subject to the measures set out by the appropriate resolutions. The Home Secretary has recently decided to remove Abu Hamza's UK citizenship status, but this is currently subject to an appeal process. Assets of other persons have been frozen within the UK.

5. When able to do so without compromising ongoing investigations or prosecutions the UK will submit names of persons and entities associated with Usama Bin Laden or members of the Taliban or Al-Qa'ida that have not been included in the List.

6. No listed individuals or entities have brought a lawsuit or engaged in legal proceedings against the UK for inclusion in the List.

7. The UK will provide additional information on those persons already on the List when the information becomes available and we are able to do so.

8. The Terrorism Act 2000 contain provisions to proscribe, or ban, organisations connected with terrorism. Proscription means that an organisation is outlawed in the UK and that it is illegal for it to operate here. The Terrorism Act 2000 makes it a criminal offence to belong to, support, or display support for a proscribed organisation. Al-Qa'ida is designated as one of 25 international groups proscribed in

the UK. Section 54 of the Terrorism Act also provides for the offence of weapons training, liable to a sentence of up to ten years if found guilty on conviction.

Section III
Financial and economic asset freeze

9. UNSCR 1373 is implemented in the UK by the Terrorism (United Nations Measures) Order 2001. UNSCR 1390 is implemented by the Al-Qa'ida and the Taliban (United Nations Measure) Order 2002 which revoked the earlier Afghanistan (United Nations Measures) Order 2001. No impediments exist in this context.

10. All UK Government departments involved in the fight against terrorist financing are committed to effective multilateral working, enabling effective monitoring of our progress leading to identification of and planning for areas requiring further action. Reporting ultimately to one of the Ministerial committees, chaired by the Home Secretary, a Whitehall-wide range of co-ordination committees has been set up. The UK takes a leading role in EU action as well as at the international level through the G7/8, FATF and IMF. In October 2002, the Treasury published a report *'Combating the financing of terrorism: A report on UK action'* (http://www.hm-treasury.gov.uk/documents/international_issues/terrorist_financing/int_terrorfinance_combatfinance.cfm).

11. Banks and other financial institutions are required to identify, freeze and report the funds of any person who the Treasury has reasonable grounds to suspect commits, facilitates or commissions acts of terrorism (the Terrorism (United Nations Measures) Order) and/or is a listed person or is acting on behalf of a listed person (the Al Qa'ida and the Taliban (United Nations Measure) Order) to the Bank of England. Under UK legislation, financial institutions are required to collect Know Your Customer (KYC) information and this information has been invaluable in identifying individuals and organisations on the sanctions list. These requirements are rigorously enforced.

12. The UK has currently frozen £334,428.14. This figure reflects the fact that much of the £115 million frozen both before and after September 11th has been unfrozen under UNSCR 1390 and made available to the legitimate government of Afghanistan.

13. No funds have yet been released in the UK pursuant to resolution 1452.

14. The Bank of England, acting as the agent of HM Treasury, informs UK financial institutions of the additions to the list of individuals whose assets should be frozen electronically. A consolidated list of names of all those subject to sanctions is available on the Bank of England website (www.bankofengland.co.uk/sanctions/main.htm). All UK financial institutions are required to submit Suspicious Transaction Reports to the National Criminal Intelligence Service (NCIS) for rigorous review and evaluation. The Anti-Terrorism Crime and Security Act 2001 provides for the seizure of all assets of those connected to, or facilitating terrorism. The Charity Commission for England and Wales has extensive powers of regulation, including powers to require production of information, to freeze bank accounts, to suspend or remove trustees, and to investigate and rectify wrongdoing in charities. It is proactive in ensuring that

charities are not connected with terrorist organisations, investigating reports of such links and liasing with law enforcement agencies to mount criminal prosecutions where appropriate. Charities in Scotland are regulated by the Scottish Charities Office and in Northern Ireland by the Police Service of Northern Ireland and the Department for Social Development. Alternative remittance systems such as 'Hawala' are subject to the Money Laundering Regulations 2001.

Section IV
Travel bans

15. The UK has implemented the travel ban in paragraph 2b of UNSCR 1390(2002) using secondary legislation under Section 8B of the Immigration Act 1971(as inserted by Section 8 of the Immigration and Asylum Act 1999). The secondary legislation - the Immigration (Designation of Travel Bans)(Amendment) Order 2002 came into force on 6 February. Up until this date the measures had been implemented on an administrative basis. The Immigration Act provides for the exclusion from the UK of persons subject to such United Nations or EU travel bans as have been designated by Order. Under Section 8B unless one of the exceptions set out in the designating Order applies, an excluded person must either be refused leave to enter or remain in the UK, or have his existing leave cancelled. The travel ban is implemented administratively in the UK Overseas Territories and Crown Dependencies.

16. The UK includes, and regularly updates, all the names of those individuals identified as associated with the Taliban or Al-Qa'ida under the UNSCR 1390 on its "stop list" referred to as the "Warnings Index" system. On each occasion the List is updated the details of those individuals or companies who are either to be added or deleted from the List are scrutinised by the Foreign and Commonwealth Office against previous records. The new details are then sent as a priority to those responsible for data entry in the Immigration Service at the Warnings Index Control Unit. The process works effectively by all parties with few problems encountered.

17. The UK's Warnings Index system is regularly updated on each occasion that an amendment is made to the List. The List on the Warnings Index system and the electronic database is available at all approved ports of entry and non-approved ports attend by Immigration Officers.

18. We are not aware of anyone named on the List being encountered at one of the UK's ports of entry. If an individual were to seek entry to the UK and was found to accurately represent the details of those on the warnings index they would have been identified.

19. The Warnings Index system is held electronically at all UK visa issuing posts abroad. Weekly updates are issued of any amendments and where necessary interim instructions are sent by the Sanctions Unit. As with all applications for those who apply for visas to enter the UK, those subject to the List would be scrutinised against the details held on the Warnings Index. There is no record of an individual matching the details of those on the List as having been issued with a visa to enter the UK.

Section V
Arms embargo

(Given the nature of the UK's export control system, the answers to the questions in this section are taken together.)

20. A prohibition on the supply, delivery or export of arms and related materiel to Usama bin Laden, members of the Al-Qa'ida organisation and the Taliban and other individuals and entities associated with them, including the provision of spare parts and technical advice, assistance or training related to military activities is contained within the provisions of The Al-Qa'ida and Taliban (United Nations Measures) Order 2002 (SI 2002/111) which came into force on 25 January 2002.

21. Weapons of mass destruction (WMD) are not included in the generally accepted definition of arms and related materiel. This definition relates solely to conventional weapons and associated goods and technology. That said, as a member of all the WMD export control non-proliferation regimes (Nuclear Suppliers Group, Missile Technology Control Regime and Australia Group) the UK is able to exercise control over the export from the UK of such items and technology that may be used for the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons. As with all other EU Member States, the basis for our controls in this area is Council Regulation (EC) 1334/2000 as amended. The Regulation contains a list of dual-use items and technology that cannot be exported without a licence. In addition the Regulation includes a "catch-all" control that prevent the export of non-listed goods if the exporter knows or is informed that they may be used in a WMD programme.

22. All applications for licences for the export of arms or dual-use items and technology to all destinations are screened against the consolidated list issued by the 1267 Committee. Any potential matches are investigated and if a match was found the licence would be refused.

23. The Order (SI 2002/111) includes penalties for infringement of the arms embargo. On conviction on indictment the maximum prison sentence is 7 years or a fine or both.

24. The provisions of The Order (SI 2002/111) make it an offence for any person to do any act calculated to promote the supply or delivery of arms and related materiel to any person on the consolidated list. This wide provision in our legislation means that any person in the UK or a citizen or body incorporated or constituted under our law abroad involved in such activity (including brokering but extending to other activity such as arranging transport or finance) would have committed an offence. An arms brokering licensing system is therefore not required to prevent such activity.

25. As to safeguards that weapons and ammunition produced within our country will not be diverted/used by those on the consolidated list, we do in addition to the provisions of The Order (SI 2002/111) also regulate the holding of weapons and ammunition by individuals and entities within the UK. It is an offence to possess weapons and ammunition without a licence. Under the provisions of The Firearms Act 1968 as amended, there are strict controls over the types of weapons and

ammunitions that can be legally held. Those producing, trading in or possessing weapons must account for all their holdings including disposals and acquisitions.

Section VI
Assistance and conclusion

26. The UK is willing to assist any States requesting advice or guidance. The UK has fully implemented all relevant measures of the United Nations sanctions. Additional information on the UK's action against terrorism can be found in our reports to the Counter-Terrorism Committee (www.un.org/Docs/sc/committees/1373).